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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
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17 UNITED STATES OF AMERICA *ex rel.*  
CHRIS McGOWAN, an individual,

18 Plaintiff,

19 v.

20 KAISER FOUNDATION HEALTH PLAN,  
21 INC., a California Corporation,

22 Defendant.  
23

Case No.: CV-09-5984 (JSW)

**STIPULATION AND [PROPOSED]  
ORDER RE UNSEALING OF  
SUBSTANTIAL PORTIONS OF  
SUMMARY JUDGMENT RECORD IN  
ACCORDANCE WITH SETTLEMENT  
AGREEMENT BETWEEN THE PARTIES**

24 WHEREAS, on June 9, 2014, the Court ordered Defendant to show cause under the  
25 “compelling reasons” standard why the Court should not lift the seal on those portions of the  
26 briefing and evidentiary submissions that were filed under seal in connection with Kaiser’s motion  
27 for summary judgment (“Show Cause Order”) (Doc. #146);  
28

1 WHEREAS, on June 27, 2014, Defendant moved to maintain the seal on all documents  
2 and portions of documents listed in Exhibit A to its Brief in Support of Previously Filed  
3 Administrative Motions to File Under Seal (Doc. #162);

4 WHEREAS, on July 8, 2014, Relator opposed Kaiser's motion to maintain the seal on all  
5 documents listed in Exhibit A (Doc. #168);

6 WHEREAS, the parties also disagreed about the portions of the summary judgment oral  
7 argument transcript that should be sealed;

8 WHEREAS, on July 31, 2014, the Court ordered the parties to meet and confer in an effort  
9 to resolve their disagreement over the documents that should remain under seal, and, if they were  
10 unable to resolve their disagreement, to submit a chart by September 30, 2014, showing both the  
11 documents that the parties agreed should remain sealed and the documents about which they  
12 disagreed over the need for sealing;

13 WHEREAS, on September 30, 2014, the Parties filed their Joint Submission in Response  
14 to the Court's Order Directing the Parties to Meet and Confer Regarding Order to Show Cause on  
15 Sealing (ECF 180) (Doc. # 188) which included as "Exhibit A" ( "ECF 180 Exhibit A") a chart  
16 setting forth the following:

17 (1) Section 1: Documents, or portions thereof, and exhibits, or portions thereof, for which  
18 the parties agree there are compelling reasons to remain under seal;

19 (2) Section 2: Documents, or portions thereof, and exhibits, or portions thereof, that the  
20 parties agree should be unsealed; and

21 (3) Section 3: Parties' remaining disputes;

22 WHEREAS, on October 7, 2014, the parties settled this case, including their dispute over  
23 the documents that should remain under seal, at a settlement conference conducted by United  
24 States Magistrate Judge Laurel Beeler (Doc. # 193); and agreed to file a Joint Stipulation that the  
25 parties request be incorporated into an Order of this Court directing that the seal remain in place  
26 for the documents that the parties agreed for compelling reasons should be sealed, and directing  
27 that all other documents or portions of documents be unsealed.  
28

1 IT IS STIPULATED AND AGREED between Mr. McGowan and Kaiser that all  
2 documents identified in Section 2 of ECF 180 Exhibit A (Doc. # 188) will be unsealed;

3 IT IS STIPULATED AND AGREED between Mr. McGowan and Kaiser that all  
4 documents identified in Section 3 of ECF 180 Exhibit A will be unsealed, with the exception of a  
5 small number of documents or the portions thereof that contain non-public numbers, values,  
6 percentages, and/or other figures which the parties agree should remain under seal for compelling  
7 reasons. Those documents, exhibits, transcripts, or portions thereof which the parties agree should  
8 remain under seal for compelling reasons are those specifically identified in Column 3 of Section  
9 3 of ECF 180 Exhibit A, plus a few others as reflected in correspondence and as agreed to by the  
10 parties. All other documents, exhibits, transcripts or portions thereof, identified in Section 3 of  
11 ECF 180 Exhibit A referred to above shall be unsealed;  
12

13 IT IS FURTHER STIPULATED AND AGREED between Mr. McGowan and Kaiser that  
14 the documents, or portions thereof, exhibits, or portions thereof, and hearing transcript, or portions  
15 thereof identified in Section 1 of ECF 180 Exhibit A shall remain under seal; and  
16

17 IT IS FURTHER STIPULATED AND AGREED between Mr. McGowan and Kaiser that  
18 any other documents, or portions thereof, exhibits, or portions thereof, and hearing transcript, or  
19 portions thereof relating to the summary judgment filings and/or response to the Court's Show  
20 Cause Order (ECF 146) that were originally filed under seal and which are not mentioned in  
21 Exhibit A, shall be unsealed.  
22

23 Upon the Court's entry of an Order consistent with this Joint Stipulation, the parties shall  
24 promptly re-file the summary judgment briefs and exhibits with only those parts of the briefs and  
25 exhibits under seal as specified in the Order which the parties agree are properly sealed because  
26 there are "compelling reasons" to do so.  
27  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2014

Hon. Jeffrey S. White  
United States District Judge